

REMARKS/ARGUMENTS

Claims 1, 3, 5, 7, 8, 10-13, 16, 20, and 22-26 remain pending in the application. Applicant, by this paper, amends claims 1 and 11 and cancels claim 15 without prejudice. Applicant respectfully requests entry of the amendment as placing the application in condition for allowance.

Discussion of Allowable Subject Matter

Claims 11, 15, 24 and 26 were objected to as being dependent upon a rejected base claim, but would be otherwise allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 is amended to include all of the features of dependent claim 15. Claim 15 is canceled. There were no intervening claims. Therefore, Claim 1 is believed to be allowable. Applicant respectfully requests allowance of claim 1.

Claims 3, 5, 7-8, 10, 12-13, and 16 depend, either directly or indirectly from claim 1 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests allowance of claims 3, 5, 7-8, 10, 12-13, and 16.

Claim 11 is amended to include all of the features of independent claim 1 from which it depends. There were no intervening claims. Thus, claim 11 is believed to be allowable. Applicant respectfully requests allowance of claim 11.

Discussion of Rejections Under 35 U.S.C. §103

Claims 1, 3, 5, 7-8, 10, 12, 13, 16, 17, 20, 22, 23, and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2004/0203709 to Luneau (hereinafter Luneau) in view of U.S. Patent No 7,151,925 to Ting et al. (hereinafter Ting).

Claims 1, 3, 5, 7-8, 10-13, and 16 are believed to be allowable for the reasons presented above under the heading "Discussion of Allowable Subject Matter."

Claim 20 is believed to be allowable at least for the reason that the cited references, whether alone or in combination, fail to teach or suggest every claimed feature. The Examiner indicates that claim 21 is objected to as dependent from rejected base claim 20, but otherwise allowable. *See, Office Action*, at pages 8-9. Applicant notes that Applicant previously amended claim 20 to include all of the features of claim 21 and canceled claim 21. *See, Response*, dated December 11, 2006.

Additionally, the cited references, whether alone or in combination, fail to teach or suggest every claimed feature. The Examiner concedes that Luneau fails to teach or suggest "the baseband processor is further configured to configure the single transceiver for operation according to the first communication standard prior to the first time period and configure the single transceiver for operation according to the second communication standard prior to the second time period." *See, Office Action*, at pages 8-9.

The Examiner does not argue that Ting teaches or suggests the claimed feature that is absent from Luneau and does not cite to any portion of Ting that allegedly teaches or suggests the claimed feature. Thus, Ting fails to provide any teaching or suggestion that compensates for the deficiencies in Luneau, and combining Luneau with Ting fails to alleviate the deficiencies of each reference individually. Applicant respectfully requests reconsideration and allowance of claim 20.

Claims 22-26 depend from claim 20 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration and allowance of claims 22-26.

Discussion of Finality of Action

Applicant believes that the amendments place the application in condition for allowance, and respectfully request entry of the amendments and issuance of the application.

In the alternative, Applicant respectfully requests that the finality of the Action be withdrawn.

The pending Office Action, dated March 20, 2007, rejects the claims on new grounds of rejection and cites references that were not submitted by the Applicant in an

Information Disclosure Statement. The Examiner states that Applicant's amendments necessitated the new ground of rejection. *Office Action*, at page 9. However, the amendment to claim 1 submitted in the Response dated December 11, 2006 incorporated the features from objected to claim 14 and intervening claim 9 into independent claim 1. Similarly, claim 20 was amended to include all of the features of objected to claim 21. Thus, Applicant's amendments to independent claims 1 and 20 merely placed objected to claims 14 and 21 into independent form, which the Examiner indicated were allowable.

The new grounds of rejection were not necessitated by Applicant's amendment, as Applicant's amendment merely rewrote objected to dependent claim 14 and 21 into independent form as claims 1 and 20, respectively. Applicant believes that rewriting dependent, objected to but otherwise allowable claims 14 and 21 to independent form to remove the basis for the objections does not necessitate a new search of subject matter previously indicated as allowable.

Applicant believes that the amendments place the application in condition for allowance, but respectfully requests withdrawal of the finality of the rejection should the Examiner not agree that the application should be passed to issuance.

The search and new grounds for rejection were not necessitated by Applicant's amendment of the claims. The rejections cite new prior art references that were not submitted in an Information Disclosure Statement. Additionally, the new grounds for rejection reject claims that were previously indicated as allowable subject matter in the Office Action, dated August 11, 2006.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Applicant petitions the Director of the United States Patent Office to extend the time for reply to the Office Action dated March 20, 2007 for one month and authorizes the charge as set forth in §1.17(a) to Deposit Account No. 20-1430. Applicant believes that the

instant response is filed within the period for response provided in the Office Action of March 20, 2007 extended by one month as provided for under 37 CFR 1.136.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



Raymond B. Horn
Reg. No. 44,773

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300

RBH:jo
61082823 v1